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6 **UNITED STATES DISTRICT COURT**
7 **WESTERN DISTRICT OF WASHINGTON**
8 **AT SEATTLE**

9 KHAMIS KOMBO,

10 Petitioner,

11 v.

12 A. NEIL CLARK, Field Office Director,
13 U.S. Immigration and Customs
Enforcement,

14 Respondent.
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CASE NO. C09-1060-RAJ-JPD

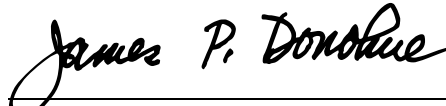
REPORT AND
RECOMMENDATION

16 On July 24, 2009, petitioner, proceeding pro se, filed a Petition for Writ of Habeas
17 Corpus pursuant to 28 U.S.C. § 2241, challenging his detention by the U.S. Immigration and
18 Customs Enforcement (“ICE”). (Dkt. No. 6.) On October 22, 2009, however, respondent filed a
19 Motion to Supplement Return Memorandum and Motion to Dismiss along with documentation,
20 indicating that on October 19, 2009, petitioner was released from ICE custody under an order of
21 supervision. (Dkt. No. 15.) Respondent asserts that because petitioner has been accorded all the
22 relief sought in his habeas petition – release from detention – his Petition for Writ of Habeas
23 Corpus is now moot and should be dismissed. *Id.*

24 For a federal court to have jurisdiction, “an actual controversy must exist at all stages of
25 the litigation.” *Biodiversity Legal Foundation v. Badgley*, 309 F.3d 1166, 1173 (9th Cir. 2002).
26 “When a controversy no longer exists, the case is moot.” *Id.* Because petitioner is no longer

1 detained by ICE, the Court finds that petitioner's habeas petition should be dismissed as moot.
2 *See, e.g., Cooney v. Edwards*, 971 F.2d 345, 346 (9th Cir. 1992) (holding that the District Court
3 properly dismissed plaintiff's claims that had become either moot or unripe). Accordingly, I
4 recommend that this action be dismissed. A proposed Order accompanies this Report and
5 Recommendation.

6 DATED this 29th day of October, 2009.

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9 JAMES P. DONOHUE
United States Magistrate Judge